

m21-28

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF LYNCHBURG

ORDER

WHEREAS, on March 12, 2020, Governor Northam entered Executive Order Number Fifty-One (2020) Declaration of a State of Emergency Due to Novel Coronavirus COVID-19; and

WHEREAS, on March 16, 2020, Governor Northam requested a declaration of a judicial emergency in all district and circuit courts of the Commonwealth of Virginia, pursuant to Va. Code 17.1-330; and

WHEREAS, on March 16, 2020, the Virginia Supreme Court Ordered that from Monday, March 16, to Monday, April 6, 2020, NON-ESSENTIAL, NON-EMERGENCY court proceedings in all circuit and district courts be and hereby are SUSPENDED and all deadlines are hereby tolled and extended, pursuant to Va. Code 17.1-330(D), for a period of twenty-one (21) days, and all circuit courts shall implement certain measures as more fully set forth in said Order; and

WHEREAS, on March 27, 2020, the Virginia Supreme Court Ordered that the judicial emergency be in effect and continue beginning April 6 through April 26, 2020, for all circuit courts of the Commonwealth; and

WHEREAS, on March 30, 2020, Governor Northam entered Executive Order Number Fifty-Five (2020) requiring Virginia residents generally to stay home until June 10, 2020, due to the public health threat; and

WHEREAS, on April 22, 2020, the Virginia Supreme Court Ordered that the judicial emergency be in effect and continue beginning April 27, 2020, through May 17, 2020, for all circuit courts of the Commonwealth; and

WHEREAS, on May 6, 2020, the Virginia Supreme Court Ordered that the judicial emergency be in effect and continue beginning May 18, 2020, through June 7, 2020, for all circuit courts of the Commonwealth; and

WHEREAS, on May 26, 2020, Governor Northam entered Executive Order Number Sixty-Three (2020) requiring, among other things and with some exceptions, that face masks be worn inside buildings; and

WHEREAS, on June 1, 2020, the Virginia Supreme Court Ordered that the judicial emergency be in effect and continue beginning June 8, 2020, through June 28, 2020, for all circuit courts of the Commonwealth; and

WHEREAS, on June 22, 2020, the Virginia Supreme Court Ordered that the judicial emergency be in effect and continue beginning June 29, 2020, through July 19, 2020, for all circuit courts of the Commonwealth; and

WHEREAS, on July 8, 2020, the Virginia Supreme Court Ordered that the judicial emergency be in effect and continue beginning July 20, 2020, through August 9, 2020, for all circuit courts of the Commonwealth; and

WHEREAS, on July 29, 2020, the Virginia Supreme Court Ordered that the judicial emergency be in effect and continue beginning August 10, 2020, through August 30, 2020, for all circuit courts of the Commonwealth; and

WHEREAS, on August 20, 2020, the Virginia Supreme Court Ordered that the judicial emergency be in effect and continue beginning August 31, 2020, through September 20, 2020, for all circuit courts of the Commonwealth; and

WHEREAS, on September 4, 2020, the Virginia Supreme Court Ordered that the judicial emergency be in effect and continue beginning September 21, 2020, through October 11, 2020, for all circuit courts of the Commonwealth; and

WHEREAS, on September 28, 2020, the Virginia Supreme Court Ordered that the judicial emergency be in effect and continue beginning October 12, 2020, through November 1, 2020, for all circuit courts of the Commonwealth; and

WHEREAS, on October 19, 2020, the Virginia Supreme Court Ordered that the judicial emergency be in effect and continue beginning November 2, 2020, through November 22, 2020, for all circuit courts of the Commonwealth; and

WHEREAS, on November 9, 2020, the Virginia Supreme Court Ordered that the judicial emergency be in effect and continue beginning November 23, 2020, through December 13, 2020, for all circuit courts of the Commonwealth; and

WHEREAS, on December 3, 2020, the Virginia Supreme Court Ordered that the judicial emergency be in effect and continue beginning December 14, 2020, through January 3, 2021, for all circuit courts of the Commonwealth; and

WHEREAS, on December 18, 2020, the Virginia Supreme Court Ordered that the judicial emergency be in effect and continue beginning January 4, 2021, through January 24, 2021, for all circuit courts of the Commonwealth; and

WHEREAS, on January 19, 2021, the Virginia Supreme Court Ordered that the judicial emergency be in effect and continue beginning January 25, 2021, through February 14, 2021, for all circuit courts of the Commonwealth; and

WHEREAS, on January 20, 2021, the Virginia Supreme Court approved the Lynchburg Circuit Court Jury Preparedness Plan, which allows the Court to resume jury trials; and

WHEREAS, on January 22, 2021, this Court Ordered that jury trials be suspended through February 28, 2021; and

WHEREAS, on February 8, 2021, the Virginia Supreme Court Ordered that the judicial emergency be in effect and continue beginning February 15, 2021, through March 7, 2021, for all circuit courts of the Commonwealth; and

WHEREAS, on February 17, 2021, this Court Ordered that jury trials be suspended through March 31, 2021; and

WHEREAS, on March 2, 2021, the Virginia Supreme Court Ordered that the judicial emergency be in effect and continue beginning March 8, 2021, through March 28, 2021, for all circuit courts of the Commonwealth; and

WHEREAS, on March 15, 2021, the Virginia Supreme Court Ordered that the judicial emergency be in effect and continue beginning March 29, 2021, through April 18, 2021, for all circuit courts of the Commonwealth; and

WHEREAS, on April 12, 2021, the Virginia Supreme Court Ordered that the judicial emergency be in effect and continue beginning April 19, 2021, through May 9, 2021, for all circuit courts of the Commonwealth; and

It is hereby ORDERED as follows:

1. As provided in previous orders of the Virginia Supreme Court, deadlines imposed by the Speedy Trial Act Code § 19.2-243, are tolled during the ongoing Period of Judicial Emergency (March 16, 2020, through May 9, 2021). In all cases where the defendant does not waive speedy trial for any additional period of time, the Court's determination that a criminal case must be heard in order to avoid violating a defendant's right to a speedy trial shall be made by the presiding judge on a case by case basis.
2. The Court shall give precedence on the docket to emergency matters including but not limited to, quarantine or isolation matters, arraignments, bail reviews, protective order cases, emergency child custody or protection cases, civil commitment hearings, petitions for temporary injunctive relief, proceedings related to emergency protection of elderly or vulnerable persons, petitions for appointment of a guardian or conservator, and proceedings necessary to safeguard applicable constitutional protections.
3. To the extent authorized by law, the court shall continue to conduct as much business as possible by means other than in-person court proceedings. The court will utilize two-way electronic audio-visual communication, if available. The parties, attorneys, witnesses and others will be allowed to appear by such two-way electronic audio-visual communication in order to reduce or eliminate the need for parties, attorneys and others necessarily involved to physically appear in the courthouse. If a party, witness, or other participant is unable to participate via the provided secure communication platform such as Polycom or WebEx, if available, then, upon request to the court, they may participate by telephone. Requests to participate by telephone will be liberally granted.
4. If a hearing cannot be done by video, courtroom attendance will be limited to attorneys, parties, necessary witnesses, interpreters, court personnel, court reporters, bailiffs and those deemed necessary by the presiding judge, and members of the press where permitted by law.


5. Attorneys are directed use e-Filing when available.
6. Individuals with legitimate court business who are ill, caring for someone who is ill, or who are otherwise in a high-risk category, as defined by the CDC, to call the clerk of court or other appropriate court personnel to request an appropriate accommodation.
7. The Clerk of Court shall post signage at all public entry points advising individuals not to enter the building if they have, within the previous 14 days:
 - a. traveled internationally;
 - b. been asked to quarantine, isolate, or self-monitor by any doctor, hospital, or health agency;
 - c. been diagnosed with, or have had contact with anyone who has been diagnosed with, COVID-19;
 - d. experienced a new fever or a sense of having a fever; a new loss of taste or smell; or a new cough, new shortness of breath or difficulty breathing, or new chills that are not attributed to another health condition; or
 - e. resided with or been in close contact with any person in the above-mentioned categories.

Individuals attempting to enter the court in violation of these protocols shall be denied entrance by a bailiff or court security officer, and will be directed to contact the clerk's office by telephone or other remote means to inform the clerk of their business before the court so as to receive further instruction regarding alternate arrangements for court access.


8. The Sheriff and/or bailiffs shall prohibit individuals or groups from congregating anywhere in the courthouse, and require social distancing throughout the courthouse, including inside the courtroom.
9. All persons over the age 5 or over entering the courthouse must wear a face mask that covers the nose and mouth. This includes judges, attorneys, deputy sheriffs, court reporters, employees, members of the public, contractors, and all others who work in or visit the courthouse. Within a courtroom, the presiding judge may authorize removal of a face mask to facilitate a proceeding. Individuals without a face mask will not be permitted to enter the courthouse except for those who cannot safely wear a mask because of a health-related condition. This requirement shall be subject to any other exceptions set forth in EO 63.
10. All participants and observers of a jury trial must abide by the Lynchburg Circuit Court Jury Preparedness Plan that was approved by the Virginia Supreme Court on January 20, 2021.
11. To the extent this Order is different than the preceding orders, this Order shall control.

This Order shall be effective from April 19, 2021, to May 9, 2021, unless extended or modified by further Order of this Court.

Entered: 04/16/2021



Judge



Judge